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Robert P. Lord OSHA - LIANG LLP Suite 2800 1221 McKinney Street Houston, TX 77010			EXAMINER LI, AIMEE J	
			ART UNIT 2183	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/547,288

Applicant(s)

SHAVIT ET AL.

Examiner

Aimee J. Li

Art Unit

2183

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 40,41 and 43-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 40,41 and 43-56 is/are rejected.
- 7) ☒ Claim(s) 56 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 5/29/07.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 40-41, 43, and new claims 44-56 have been considered. Claims 1-39 and 42 have been cancelled as per Applicants' request. Claims 40-41 and 43 have been amended as per Applicants' request. New claims 44-56 have been added as per Applicants' request.

Papers Submitted

2. It is hereby acknowledged that the following papers have been received and placed of record in the file: RCE as filed 29 May 2007; Amendment as filed 29 May 2007; IDS as filed 29 May 2007; Power of Attorney as filed 19 June 2007; and Power of Attorney as filed 24 July 2007.

Information Disclosure Statement

3. The information disclosure statement filed 29 May 2007 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because reference 3, Cartwright, Jr. et al., U.S. Patent number 6,223,335 and reference 11, Michael, Maged M. et al's "Simple, Fast, and Practical Non-Blocking and Blocking Concurrent Queue Algorithms" ©1996 were cited previously by the Examiner and the Examiner could not locate copies of the cited Non-Patent Literature in the application file. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Claim Objections

4. Claim 56 is objected to because of the following informalities: Please remove the extra period (“.”) at the end of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 40-41 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janice M. Stone’s “A simple and correct shared-queue algorithm using Compare-and-Swap” ©1990 in view of Kruse, Leung, and Tondo’s Data Structures and Program Design in C ©1991 (herein referred to as Kruse).

7. Referring to claim 40, Stone has taught a computer program product encoded in at least one computer readable medium, the computer program product comprising:

- a. Instances of the at least one function sequence concurrently executable by plural processors of a multiprocessor and each including an atomic dual target compare and swap (DCAS) to update a corresponding one of the pair of end identifying indices and an element of the array corresponding to a then-current value thereof (Stone Section 1. **Introduction**; Section 2. **Background**, paragraphs 3 and 5-6; Section 3. **Compare-and-Swap**; Section 3.1 **The Compare-and-Swap Instruction**, paragraph 1; Section 3.2 **The A-B-A problem**, paragraphs 2-3; Section 3.3 **The Compare-and-Swap-Double Instruction**, paragraphs 1 and 4;

Section 4. The Shared-Queue Algorithm; Section 5. State diagram for the shared queue, paragraphs 1-2 and 5; and Figure 5); and

- b. The DCAS of the at least one functional sequence responsive to a corresponding boundary condition state of the concurrent shared object (Stone Section 1.

Introduction; Section 2. Background, paragraphs 3 and 5-6; Section 3.

Compare-and-Swap; Section 3.1 The Compare-and-Swap Instruction, paragraph 1; Section 3.2 The A-B-A problem, paragraphs 2-3; Section 3.3 The Compare-and-Swap-Double Instruction, paragraphs 1 and 4; Section 4. The Shared-Queue Algorithm; Section 5. State diagram for the shared queue, paragraphs 1-2 and 5; and Figure 5).

8. Stone has not taught at least one function sequence implementing an access operation on a concurrent shared object, the concurrent shared double-ended queue (deque), the deque implemented as a circular buffer on a contiguous array of bounded size delimited by a pair of end identifying indices, wherein each of the pair of end identifying indices identifies an element adjacent to one of two end elements of the deque. Kruse has taught at least one function sequence implementing an access operation on a concurrent shared object, the concurrent shared double-ended queue (deque), the deque implemented as a circular buffer on a contiguous array of bounded size delimited by a pair of end identifying indices, wherein each of the pair of end identifying indices identifies an element adjacent to one of two end elements of the deque (Kruse pages 69-72). In regards to Kruse, the circular queue has a beginning location at 0 and ending location at max-1, which denote the beginning and ending locations of the bounded array in memory. The circular queue array also has a front and rear indices to denote the first and last

locations of occupied locations in the array, and these locations are adjacent to the beginning and ending locations of the array. A person of ordinary skill in the art at the time the invention was made would have recognized, and as taught by Kruse, that a circular queue array improves the efficiency of the array (Kruse page 69, section 3. Circular Arrays). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the circular buffer array of Kruse in the device of Stone to improve array efficiency.

9. Referring to claim 41, Stone in view of Kruse has taught
 - a. Wherein the at least one functional sequence is at least one selected from a group consisting of a right pop operation, a left pop operation, a right push operation, and a left push operation (Stone Section **1. Introduction**; Section **2. Background**, paragraphs 3 and 5-6; Section **3. Compare-and-Swap**; Section **3.1 The Compare-and-Swap Instruction**, paragraph 1; Section **3.2 The A-B-A problem**, paragraphs 2-3; Section **3.3 The Compare-and-Swap-Double Instruction**, paragraphs 1 and 4; Section **4. The Shared-Queue Algorithm**; Section **5. State diagram for the shared queue**, paragraphs 1-2 and 5; and Figure 5);
 - b. Wherein the boundary condition state corresponding to the right push operation and the left push operation is a full state of the deque (Kruse pages 69-72); and
 - c. Wherein the boundary condition state corresponding to the right pop operation and the left pop operation is an empty state of the deque (Stone Section **1. Introduction**; Section **2. Background**, paragraphs 3 and 5-6; Section **3. Compare-and-Swap**; Section **3.1 The Compare-and-Swap Instruction**, paragraph 1; Section **3.2 The A-B-A problem**, paragraphs 2-3; Section **3.3 The**

Compare-and-Swap-Double Instruction, paragraphs 1 and 4; **Section 4. The Shared-Queue Algorithm**; **Section 5. State diagram for the shared queue**, paragraphs 1-2 and 5; and Figure 5).

10. Referring to claim 43, Stone has taught an apparatus comprising:

- a. Plural processors (Stone Abstract; **Section 1. Introduction**; **Section 2. Background**, paragraphs 3 and 5-6; **Section 3. Compare-and-Swap**; **Section 3.1 The Compare-and-Swap Instruction**, paragraph 1; **Section 3.2 The A-B-A problem**, paragraphs 2-3; **Section 3.3 The Compare-and-Swap-Double Instruction**, paragraphs 1 and 4; **Section 4. The Shared-Queue Algorithm**; **Section 5. State diagram for the shared queue**, paragraphs 1-2 and 5; and Figure 5);
- b. A store addressable by each of the plural processors (Stone Abstract; **Section 1. Introduction**; **Section 2. Background**, paragraphs 3 and 5-6; **Section 3. Compare-and-Swap**; **Section 3.1 The Compare-and-Swap Instruction**, paragraph 1; **Section 3.2 The A-B-A problem**, paragraphs 2-3; **Section 3.3 The Compare-and-Swap-Double Instruction**, paragraphs 1 and 4; **Section 4. The Shared-Queue Algorithm**; **Section 5. State diagram for the shared queue**, paragraphs 1-2 and 5; and Figure 5);
- c. Means for coordinating competing access operations, the coordinating means employing in each instance thereof, at least one atomic dual target compare and swap (DCAS) operation to disambiguate a retry state and a boundary condition state of the deque based on then-current contents of one, but not both, of first- and

second-end index stores and an array element corresponding thereto (Stone Abstract; Section **1. Introduction**; Section **2. Background**, paragraphs 3 and 5-6; Section **3. Compare-and-Swap**; Section **3.1 The Compare-and-Swap Instruction**, paragraph 1; Section **3.2 The A-B-A problem**, paragraphs 2-3; Section **3.3 The Compare-and-Swap-Double Instruction**, paragraphs 1 and 4; Section **4. The Shared-Queue Algorithm**; Section **5. State diagram for the shared queue**, paragraphs 1-2 and 5; and Figure 5).

11. Stone has not taught first- and second-end index stores accessible to each of the plural processors for identifying opposing ends of a double-ended queue (deque) encoded in circular buffer form in the addressable store, wherein the first- and second-end index stores identify elements adjacent to the ends of the deque. Kruse has first- and second-end index stores accessible to each of the plural processors for identifying opposing ends of a double-ended queue (deque) encoded in circular buffer form in the addressable store, wherein the first- and second-end index stores identify elements adjacent to the ends of the deque. (Kruse pages 69-72). In regards to Kruse, the circular queue has a beginning location at 0 and ending location at max-1, which denote the beginning and ending locations of the bounded array in memory. The circular queue array also has a front and rear indices to denote the first and last locations of occupied locations in the array, and these locations are adjacent to the beginning and ending locations of the array. A person of ordinary skill in the art at the time the invention was made would have recognized, and as taught by Kruse, that a circular queue array improves the efficiency of the array (Kruse page 69, section 3. Circular Arrays). Therefore, it would have been obvious to a

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person of ordinary skill in the art at the time the invention was made to incorporate the circular buffer array of Kruse in the device of Stone to improve array efficiency.

12. Referring to claim 44, Stone in view of Kruse has taught the apparatus of claim 43, wherein the access operations are selected from a group consisting of a right pop operation, a left pop operation, a right push operation, and a left push operation (Stone Section 1. **Introduction**; Section 2. **Background**, paragraphs 3 and 5-6; Section 3. **Compare-and-Swap**; Section 3.1 **The Compare-and-Swap Instruction**, paragraph 1; Section 3.2 **The A-B-A problem**, paragraphs 2-3; Section 3.3 **The Compare-and-Swap-Double Instruction**, paragraphs 1 and 4; Section 4. **The Shared-Queue Algorithm**; Section 5. **State diagram for the shared queue**, paragraphs 1-2 and 5; and Figure 5).

13. Referring to claim 45, Stone in view of Kruse has taught the apparatus of claim 43, wherein each of the first- and second-end index stores identifies a next element in the array for adding a value to the deque (Kruse pages 69-75).

14. Referring to claim 46, Stone in view of Kruse has taught the computer program product of claim 40, wherein each of the pair of end-identifying indices identifies a next element in the array for adding a value to the deque (Kruse pages 69-75).

15. Referring to claim 47, Stone has taught a method of managing concurrent access to shared data, comprising performing a first pop operation on the deque, wherein a first atomic dual target compare and swap (DCAS) is executed using the first end identifying index and the end element, wherein the end element is removed from the deque (Stone Section 1.

Introduction; Section 2. **Background**, paragraphs 3 and 5-6; Section 3. **Compare-and-Swap**; Section 3.1 **The Compare-and-Swap Instruction**, paragraph 1; Section 3.2 **The A-B-A**

problem, paragraphs 2-3; Section 3.3 **The Compare-and-Swap-Double Instruction**, paragraphs 1 and 4; Section 4. **The Shared-Queue Algorithm**; Section 5. **State diagram for the shared queue**, paragraphs 1-2 and 5; and Figure 5).

16. Stone has not taught implementing a concurrent shared double-ended queue (deque) as a contiguous bounded-size array in a memory of a computer system, wherein a first end identifying index identifies a first array element adjacent to an end element of the deque and a second end identifying index identifies a second array element adjacent to the end element of the deque. Kruse has taught implementing a concurrent shared double-ended queue (deque) as a contiguous bounded-size array in a memory of a computer system, wherein a first end identifying index identifies a first array element adjacent to an end element of the deque and a second end identifying index identifies a second array element adjacent to the end element of the deque (Kruse pages 69-72). In regards to Kruse, the circular queue has a beginning location at 0 and ending location at max-1, which denote the beginning and ending locations of the bounded array in memory. The circular queue array also has a front and rear indices to denote the first and last locations of occupied locations in the array, and these locations are adjacent to the beginning and ending locations of the array. A person of ordinary skill in the art at the time the invention was made would have recognized, and as taught by Kruse, that a circular queue array improves the efficiency of the array (Kruse page 69, section 3. Circular Arrays). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the circular buffer array of Kruse in the device of Stone to improve array efficiency.

17. Referring to claim 48, Stone in view of Kruse has taught the method of claim 47, further comprising performing a second pop operation on the deque concurrently with the first pop operation, wherein a second DCAS is executed using the second end identifying index and the end element, wherein when the DCAS fails, an indication of an empty state of the deque is returned from the DCAS (Stone Section **1. Introduction**; Section **2. Background**, paragraphs 3 and 5-6; Section **3. Compare-and-Swap**; Section **3.1 The Compare-and-Swap Instruction**, paragraph 1; Section **3.2 The A-B-A problem**, paragraphs 2-3; Section **3.3 The Compare-and-Swap-Double Instruction**, paragraphs 1 and 4; Section **4. The Shared-Queue Algorithm**; Section **5. State diagram for the shared queue**, paragraphs 1-2 and 5; and Figure 5).
18. Referring to claim 49, Stone in view of Kruse has taught the method of claim 47, wherein the deque is implemented as a circular buffer (Kruse pages 69-72).
19. Referring to claim 50, Stone in view of Kruse has taught the method of claim 48, wherein the first pop operation is performed by a first processor and the second pop operation is performed by a second processor (Stone Abstract; Section **1. Introduction**; Section **2. Background**, paragraphs 3 and 5-6; Section **3. Compare-and-Swap**; Section **3.1 The Compare-and-Swap Instruction**, paragraph 1; Section **3.2 The A-B-A problem**, paragraphs 2-3; Section **3.3 The Compare-and-Swap-Double Instruction**, paragraphs 1 and 4; Section **4. The Shared-Queue Algorithm**; Section **5. State diagram for the shared queue**, paragraphs 1-2 and 5; and Figure 5).
20. Referring to claim 51, Stone in view of Kruse has taught the method of claim 48, wherein the first pop operation is a left pop operation, the first end identifying index is a left-end index, and the first array element is to the left of the end element, and wherein the second pop operation

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is a right pop operation, the second end identifying index is a right-end index, and the second array element is to the right of the end element (Stone Section 1. **Introduction**; Section 2.

Background, paragraphs 3 and 5-6; Section 3. **Compare-and-Swap**; Section 3.1 **The Compare-and-Swap Instruction**, paragraph 1; Section 3.2 **The A-B-A problem**, paragraphs 2-3; Section 3.3 **The Compare-and-Swap-Double Instruction**, paragraphs 1 and 4; Section 4. **The Shared-Queue Algorithm**; Section 5. **State diagram for the shared queue**, paragraphs 1-2 and 5; and Figure 5).

21. Referring to claim 52, Stone has taught a method of managing concurrent access to shared data, comprising performing a first push operation on the deque, wherein a first atomic dual compare and swap (DCAS) is executed using the first end identifying index, the array element, and a value, wherein the value is stored in the array element (Stone Section 1.

Introduction; Section 2. **Background**, paragraphs 3 and 5-6; Section 3. **Compare-and-Swap**; Section 3.1 **The Compare-and-Swap Instruction**, paragraph 1; Section 3.2 **The A-B-A problem**, paragraphs 2-3; Section 3.3 **The Compare-and-Swap-Double Instruction**, paragraphs 1 and 4; Section 4. **The Shared-Queue Algorithm**; Section 5. **State diagram for the shared queue**, paragraphs 1-2 and 5; and Figure 5).

22. Stone has not taught implementing a concurrent shared double-ended queue (deque) as a contiguous bounded-size array in a memory of a computer system, wherein the deque comprises a first end element, a second end element, a first end identifying index, and a second end identifying index, and wherein the first end identifying index identifies an array element as adjacent to the first end element and the second end identifying index identifies the array element as adjacent to the second end element. Kruse has taught implementing a concurrent shared

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double-ended queue (deque) as a contiguous bounded-size array in a memory of a computer system, wherein the deque comprises a first end element, a second end element, a first end identifying index, and a second end identifying index, and wherein the first end identifying index identifies an array element as adjacent to the first end element and the second end identifying index identifies the array element as adjacent to the second end element (Kruse pages 69-72). In regards to Kruse, the circular queue has a beginning location at 0 and ending location at max-1, which denote the beginning and ending locations of the bounded array in memory. The circular queue array also has a front and rear indices to denote the first and last locations of occupied locations in the array, and these locations are adjacent to the beginning and ending locations of the array. A person of ordinary skill in the art at the time the invention was made would have recognized, and as taught by Kruse, that a circular queue array improves the efficiency of the array (Kruse page 69, section 3. Circular Arrays). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the circular buffer array of Kruse in the device of Stone to improve array efficiency.

23. Referring to claim 53, Stone in view of Kruse has taught the method of claim 52, further comprising performing a second push operation on the deque concurrently with the first push operation, wherein a second DCAS is executed using the second end identifying index and the array element (Stone Section 1. **Introduction**; Section 2. **Background**, paragraphs 3 and 5-6; Section 3. **Compare-and-Swap**; Section 3.1 **The Compare-and-Swap Instruction**, paragraph 1; Section 3.2 **The A-B-A problem**, paragraphs 2-3; Section 3.3 **The Compare-and-Swap-Double Instruction**, paragraphs 1 and 4; Section 4. **The Shared-Queue Algorithm**; Section 5. **State diagram for the shared queue**, paragraphs 1-2 and 5; and Figure 5), wherein when the

DCAS fails, an indication of a full state of the deque is returned from the DCAS (Kruse pages 69-72).

24. Referring to claim 54, Stone in view of Kruse has taught The method of claim 52, wherein the deque is implemented as a circular buffer (Kruse pages 69-72).

25. Referring to claim 55, Stone in view of Kruse has taught the method of claim 53, wherein the first push operation is performed by a first processor and the second push operation is performed by a second processor (Stone Abstract; Section **1. Introduction**; Section **2. Background**, paragraphs 3 and 5-6; Section **3. Compare-and-Swap**; Section **3.1 The Compare-and-Swap Instruction**, paragraph 1; Section **3.2 The A-B-A problem**, paragraphs 2-3; Section **3.3 The Compare-and-Swap-Double Instruction**, paragraphs 1 and 4; Section **4. The Shared-Queue Algorithm**; Section **5. State diagram for the shared queue**, paragraphs 1-2 and 5; and Figure 5).

26. Referring to claim 56, Stone in view of Kruse has taught the method of claim 53, wherein the first push operation is a left push operation, the first end identifying index is a left-end index, and the first end element is to the right of the array element, and wherein the second push operation is a right push operation, the second end identifying index is a right-end index, and the second end element is to the left of the array element (Stone Abstract; Section **1. Introduction**; Section **2. Background**, paragraphs 3 and 5-6; Section **3. Compare-and-Swap**; Section **3.1 The Compare-and-Swap Instruction**, paragraph 1; Section **3.2 The A-B-A problem**, paragraphs 2-3; Section **3.3 The Compare-and-Swap-Double Instruction**, paragraphs 1 and 4; Section **4. The Shared-Queue Algorithm**; Section **5. State diagram for the shared queue**, paragraphs 1-2 and 5; and Figure 5).

Response to Arguments

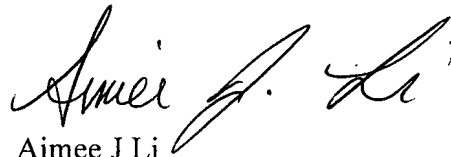
27. Applicant's arguments with respect to claims 40-41 and 43-56 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aimee J. Li whose telephone number is (571) 272-4169. The examiner can normally be reached on M-T 7:00am-4:30pm.

29. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Chan can be reached on (571) 272-4162. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

30. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Aimee J Li
Examiner
Art Unit 2183

20 August 2007